

City Council Meeting Minutes

**November 6, 2017
City Hall, Council Chambers
749 Main Street**

6:00 PM SPECIAL MEETING – EXECUTIVE SESSION

Call to Order – Mayor Muckle called the meeting to order at 6:00 p.m.

Roll Call was taken and the following members were present:

City Council: ***Mayor Robert Muckle
Mayor Pro Tem Jeff Lipton
Councilmember Jay Keany
Councilmember Chris Leh (arrived at 6:02 pm)
Councilmember Susan Loo
Councilmember Dennis Maloney
Councilmember Ashley Stolzmann***

Staff Present: ***Heather Balser, Interim City Manager
Aaron DeJong, Director of Economic Development
Rob Zuccaro, Director of Planning & Building Safety
Meredyth Muth, City Clerk***

Others Present: ***Sam Light, City Attorney***

PENDING LITIGATION

(Louisville Charter, Section 5-2(d) – Authorized Topics – Consultation with an attorney representing the City with respect to pending litigation, and C.R.S. 24-6-402(4)(b))

Mayor Muckle announced the agenda item and the City Clerk read the statement required by City Code.

Attorney Light stated Section 5-2(d) of the home rule charter authorizes an executive session for the purpose of consultation with an attorney representing the City with respect to pending litigation, which includes actual pending lawsuits as well as situations where the person requesting the session believes in good faith that a lawsuit may result. An executive session for this purpose is also authorized by Section 24-6-402(4)(b) of the Colorado Open Meetings Law.

The City Manager is requesting an executive session for consultation with attorneys representing the City regarding pending litigation, which in this case does not involve a pending lawsuit but situations where lawsuits may result. City Attorney Light joined in that request stating he believes the situations that are the topic of the discussion are of such a nature that legal action may result.

Mayor Muckle moved to go into executive session for the purpose of consultation with the attorneys representing the City with respect to pending litigation, and that the executive session include the City Manager, City Attorney, Planning Director, Economic Development Director, and attorney Marni Nathan. Councilmember Keany seconded the motion. Voice vote passed 7-0.

Members went into executive session at 6:03 pm.

Members returned from executive session at 7:02 pm.

REPORT – DISCUSSION/DIRECTION/ACTION – PENDING LITIGATION

Attorney Light reported the Council did not finish their discussions and would need to continue the executive session after the regular meeting. Councilmember Leh moved to continue the executive session after the regular meeting; Councilmember Stolzmann seconded the motion. Voice vote; all in favor.

REGULAR MEETING

Call to Order – Mayor Muckle called the meeting to order at 7:04 p.m.

Roll Call was taken and the following members were present:

City Council: *Mayor Robert Muckle*
 Mayor Pro Tem Jeff Lipton
 Councilmember Jay Keany
 Councilmember Chris Leh
 Councilmember Susan Loo
 Councilmember Dennis Maloney
 Councilmember Ashley Stolzmann

Staff Present: *Heather Balser, Interim City Manager*
 Kevin Watson, Finance Director
 Aaron DeJong, Director of Economic Development
 Kurt Kowar, Director of Public Works
 Rob Zuccaro, Director of Planning & Building Safety
 Lisa Ritchie, Associate Planner
 Erika Archer, Sustainability Coordinator

Megan Davis, Intergovernmental Affairs Director
Meredyth Muth, City Clerk

Others Present: Sam Light, City Attorney

PLEDGE OF ALLEGIANCE

All rose for the pledge of allegiance.

APPROVAL OF AGENDA

Mayor Muckle called for changes to the agenda and hearing none, moved to approve the agenda, seconded by Councilmember Loo. All were in favor.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Deb Fahey, 1118 Enclave Circle, distributed copies of the executive summary of the Climate Science Special Report. She stated the report is well reviewed by peer agencies and the public. It is a very transparent report and has a great deal of information. The report shows with 95% certainty that climate change is human caused. She encouraged the Council to look closely at the Sustainability Action Plan and start implementing it as soon as possible. She asked if the Council chooses to use carrots rather than sticks in encouraging green activities in the City, to use a very big carrot.

APPROVAL OF THE CONSENT AGENDA

Councilmember Stolzmann asked for item 5F be removed from consent agenda and placed on the regular agenda. Mayor Muckle seconded and noted it will be heard first during regular business.

Councilmember Loo thanked the Fire District for attending tonight and for their partnership over the years.

City Clerk Muth noted on item 5K, the packet stated the meeting on November 16 will be at 7 pm, but should state a start time of 6 pm.

MOTION: Mayor Muckle moved to approve the consent agenda as amended, seconded by Councilmember Stolzmann. All were in favor.

- A. Approval of Bills**
- B. Approval of Minutes: October 17, 2017**
- C. Approval of Special Meeting on November 14 at 6 PM for an Executive Session**
- D. Approval of December City Council Meeting Schedule**

- E. Approval of Resolution No. 59, Series 2017 – A Resolution Approving a Proposed 2018 Operating Plan and Budget of the Main Street Louisville Business Improvement District**
- F. Approval of Resolution No. 60, Series 2017 – A Resolution Approving a Business Assistance Agreement with Teocali Cocina Tequileria, LLC for an Economic Development Project in the City of Louisville – moved to regular agenda**
- G. Approve Contracts Between the City of Louisville and Miox Corporation and Denora, LLC for the Purchase of Equipment for the Howard Berry Water Treatment Plant Upgrade Project**
- H. Approval of Contracts Between the City of Louisville and Xylem, Inc. for the Purchase of Water Quality Equipment for the Louisville Reservoir Related to the Water Treatment Plant Upgrades Project**
- I. Award Bid for 2017 Storm System Maintenance Project to Colorado Infrastructure**
- J. Approval of Resolution No. 61, Series 2017 – A Resolution Approving an Intergovernmental Agreement By and Between the Louisville Fire Protection District and the City of Louisville Regarding Provision for Fire Services**
- K. Approval of a Special Meeting on Thursday, November 16 at 7 PM**

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

None.

CITY MANAGER'S REPORT

None.

REGULAR BUSINESS

APPROVAL OF RESOLUTION NO. 60, SERIES 2017 – A RESOLUTION APPROVING A BUSINESS ASSISTANCE AGREEMENT WITH TEOCALI COCINA TEQUILERIA, LLC FOR AN ECONOMIC DEVELOPMENT PROJECT IN THE CITY OF LOUISVILLE – *moved from consent agenda*

Economic Development Director DeJong stated this is a proposed Business Assistance Package (BAP) for a new restaurant at 1335 South Boulder Road. The restaurant, Teocali Cocina Tequileria, is looking to open in the former Blockbuster Video space along South Boulder Road.

The proposed business assistance includes partial rebates of the building permit fees, construction use taxes, and incremental retail sales tax revenues for expanding the

retail square footage to approximately 3,000 square feet. Total permit and tax revenues from the redevelopment project over 2 years are estimated to be \$170,000 and rebate payments are \$60,000.

Mayor Muckle asked how long the location has been empty. Director DeJong stated at least six years.

Grant Hopfenspirger introduced himself and noted he has been manager of Outback in Louisville for a number of years. He said it is expensive to do a startup restaurant and would appreciate any assistance from the City.

Councilmember Stolzmann stated we normally deduct existing space out of the incentive package, she stated this package does not introduce new jobs above the median wage. She noted incentivizing this restaurant may hurt existing restaurants and we aren't helping other new restaurants. She felt this was not appropriate to do that when other restaurants are not getting incentives. She plans to vote against this tonight.

Councilmember Loo stated Council did do a BAP for existing building renovation for Waterloo when they first came in; this was a wonderful use of our money. We have been saying we don't incentivize new restaurants on Main Street, but this particular location has been vacant for a long time. This is an appropriate use of the money and she plans to support this.

Councilmember Keany also will support this. The space has been vacant for a long time and making this into a restaurant is a large amount of money. Funding for the BAP is from the business, if it underperforms they won't get rebates in the package.

Councilmember Maloney asked for a description of the math. Director DeJong stated the applicant believes new sales would be \$2 Million per year and two years of that would result in 40% of the City's sales tax which yields about \$58,000 per year.

Mayor Pro Tem Lipton stated he agreed with Councilmember Stolzmann and doesn't believe we have done many of these for business such as this. It seems inconsistent with other packages the City has offered. If this case needs incentives, the property owner should be providing them. He won't support this tonight.

Councilmember Leh stated we should compare economic incentives and is this similarly situated to others. However, this property has been vacant a long time and from that stand point this is different from other locations in town. He felt comfortable supporting this one, but wanted to watch this carefully.

Mayor Pro Tem Lipton stated it has been vacant so long the property owner should be incentivizing this; the City should not be financing this.

Mayor Muckle agreed with both sides, but a small investment from the City can make this a functional business in that location.

Mayor Muckle moved to approve Resolution No. 60, Series 2017, seconded by Councilmember Loo.

Roll Call **Vote:** Motion passed (**summary:** Yes = 4, No = 3, Abstain = 0).

Yes: Council Member Leh, Council Member Keany, Mayor Muckle, Council Member Loo. **No:** Mayor Pro Tem Lipton, Council Member Maloney, Council Member Stolzmann.

RESOLUTION NO. 62, SERIES 2017 – A RESOLUTION AMENDING THE 2017 BUDGET BY AMENDING APPROPRIATIONS IN THE GENERAL FUND, HISTORIC PRESERVATION FUND, CAPITAL PROJECTS FUND, WASTEWATER UTILITY FUND, STORM WATER UTILITY FUND, GOLF COURSE FUND, AND FLEET MANAGEMENT FUND – PUBLIC HEARING (advertised Daily Camera 10/03/17)

Mayor Muckle introduced the item and opened the public hearing.

Finance Director Watson stated this resolution proposes a series of amendments to a variety of funds in the City's 2017 Operating & Capital Budget. The net of all other adjustments is an additional \$615, 550. This should be corrected in the packet. Most of these are housekeeping items with descriptions of all the adjustments as noted in the narratives provided by staff in the packet.

He noted the fund balance has been updated due to building related revenue, increasing the ending balance of 2017 and thus increasing the beginning balance for 2018.

Interim City Manager Balser noted the Finance Committee recommends approval.

Mayor Muckle asked for public comments – None.

Councilmember Stolzmann stated the Finance Committee has reviewed this; she moved to approve Resolution No. 62, Series 2017. Councilmember Maloney seconded.

Mayor Muckle called for public comment and hearing none, closed the public hearing.

Vote: Motion carried by unanimous roll call vote.

ADOPTION OF 2018 BUDGET

RESOLUTION NO. 63, SERIES 2017 – A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE CITY OF LOUISVILLE, COLORADO, FOR THE CALENDAR YEAR

**BEGINNING ON THE FIRST DAY OF JANUARY 2018 AND ENDING ON THE LAST
DAY OF DECEMBER 2018**

**RESOLUTION NO. 64, SERIES 2017 – ANNUAL APPROPRIATION RESOLUTION
FOR THE CITY OF LOUISVILLE FOR THE CALENDAR YEAR BEGINNING
JANUARY 1, 2018 AND ENDING DECEMBER 31, 2018**

Attorney Light introduced both items.

Mayor Muckle opened the public hearing.

Finance Director Watson stated one resolution adopts the budget and one appropriates the funds. The setting of the mil levy will be done on December 5 to be more precise for the library bonds and recreation center bonds.

Director Watson noted the presentation from the public hearing was the same as is in the packet for this meeting other than revenue adjustments noted earlier, small allocation changes, and the reclassification of the Highway 42 Multi-Use Underpass from the Capital Projects Fund back to the Open Space and Parks Fund. Staff recommends approval.

Mayor Muckle asked for public comments. None .

Mayor Pro Tem Lipton asked about the \$40K for transportation. He asked for more discussion of how the money will be spent before it is actually spent. He asked for an explanation of why the cost of the Hwy 42 underpass was going from the Capital Fund to the Open Space and Parks Fund (OSPF). Director Watson stated originally the underpass funding was in OSPF and moved to Capital Projects Fund due to the fund balance issues. The direction at the last public hearing was to move the underpass back to OSPF by Council.

Councilmember Maloney thanked Director Watson for a very clear budget and noted the City is in solid financial shape. Mayor Muckle agreed. This was exceptionally good, transparent work from staff.

Councilmember Maloney moved to approve Resolution No. 63, Series 2017. Mayor Pro Tem Lipton seconded.

Vote: Motion carried by unanimous roll call vote.

Councilmember Maloney moved to approve Resolution No. 64, Series 2017. Mayor Pro Tem Lipton seconded.

Vote: Motion carried by unanimous roll call vote.

Interim City Manager Balser thanked Finance Director Watson and his staff, along with the management team for making this a great process, the clarity of the budget, and what we hope to achieve for the next budget cycle.

Council member Loo thanked staff and the Finance Committee.

640 MAIN STREET BLUE PARROT SIGN LANDMARK AND PRESERVATION GRANT

RESOLUTION NO. 65, SERIES 2017 – A RESOLUTION DESIGNATING A SIGN AT 640 MAIN STREET A HISTORIC LANDMARK

RESOLUTION NO. 66, SERIES 2017 – A RESOLUTION APPROVING A PRESERVATION AND RESTORATION GRANT FOR THE BLUE PARROT SIGN LOCATED AT 640 MAIN STREET

Mayor Muckle introduced the items.

Planner Ritchie stated the applicant, Sign Dealz, on behalf of the owner, 1882 Ventures, LLC, requests approval of a landmark designation and Historic Preservation Fund grant for a sign at 640 Main Street. The Colacci family, owner of the Blue Parrot restaurant, erected the sign in 1955. The sign is representative of neon signs popular in the 1950s with iconic neon elements and colors. The sign today remains much like it was originally.

She stated the landmark request is for the sign. The Downtown Sign Manual allows this and allows some changes to a landmarked sign. Staff finds the sign meets the landmarking criteria with architectural significance as well as social significance. An alteration certificate to reface the sign was approved by the Historic Preservation Commission (HPC) but the iconic elements will be saved. The grant request is \$13,244.

Staff recommended approval for the landmarking with conditions and approval of the grant. Conditions on the sign include:

- The sign at 640 Main Street shall remain in its current location, provided that the existing structure at 640 Main Street remains in its current form;
- If the existing structure at 640 Main Street is demolished or undergoes a major renovation, the sign shall be reinstalled generally in its current location, prominently displayed at the intersection of Main and Pine Streets. An applicant may propose an alternative location on an exterior wall fronting either Main or Pine as long as the sign is prominently oriented toward either Main or Pine and subject to approval by the Historic Preservation Commission through an alteration certificate.

Applicant presentation

Bill Hayes, 1062 Delaware, Denver with Signdez, Greg Maring – 537 Augusta Lane, Louisville and Mark Oberholzer, 224 Hoover Avenue owners of the property at 640 Main Street, introduced themselves to Council.

Bill Hayes stated the plan is to refurbish the existing building while respecting the past. Restoration of the sign would include using some elements from the 1950s with exposed neon and channel lettering. He showed a rendering along with examples of the company's previous work.

Councilmember Loo asked if it costs more to refurbish or to make a new sign. Mr. Hayes stated it is significantly more to make a new one; in the \$30-40 thousand range.

Councilmember Maloney asked if the refurbished sign will be brighter. Mr. Hayes stated that will be the same.

Councilmember Stolzmann asked if the new sign will be parallel to Main Street or at 45 degree angle. It will be the same, at the current 45 degree angle.

Public comments

Gregory Burrell, 740 Copper Lane, stated the proposal undermines the original workmanship of the sign. It retains original materials, but all contributing design features will be gone. The proposal also wipes out the connection to the Colacci Family and the Italian heritage.

Greg Maring noted that as owners of the property, they think the sign shape and configuration is iconic to town. They realize it is an important piece of the town's landscape. They want to respect the history of the building, but can't retain the sign in its current configuration. The owners feel it is important the sign remains on the building.

Deb Fahey stated the Historic Preservation Commission (HPC) voted to landmark and give the grant money. Much of their decision was based on the similar procedure for old gas station sign on Front and Pine. She said, speaking personally, she feels it maintains its historic location, shape, colors and is enough like the sign at Front and Pine to warrant landmarking.

Councilmember Leh asked if the sign at the Empire was landmarked. Director Zuccaro stated it is not.

Councilmember Loo agreed removing the Blue Parrot name loses the history of the sign. The parrot is the iconic part of the sign. The new sign doesn't resonate like the parrot does. She recognized it is impossible to replace, but if redone the sign loses all of the historic design. In order to preserve what is there now we may need to spend HPF money to purchase the sign outright to store it or reuse it. She didn't support the proposal as presented.

Councilmember Keany stated there is nostalgia with the Blue Parrot sign and he was disappointed to see it change but recognizes the new owners and new use of the building. He noted the Empire sign retained its style and shape. He supports the recommendation of the HPC but prefers a more stylized historic looking sign than what is presented. He wondered if the face is replaced; could it be donated to the museum.

Councilmember Loo asked if the owners want to preserve the sign. Mr. Oberholzer stated as new owners of the building, they don't have the rights to the name, so they can't continue to use the sign. He noted if they can save the face, they would be happy to donate it.

Councilmember Stolzmann stated if what is wanted is to have a neon sign at that corner, then it needs to be designated historic to save the shape, size and neon. There is value to designating it as historic if we want to keep it.

Councilmember Leh felt this was a hard decision. He reviewed the architectural and social significance criteria as presented in the packet. Council is bound by those criteria so we need to review carefully. He deeply appreciates the effort to maintain some of the look and feel of the sign at that corner and its significance to the city. He found it difficult to see how it met either the architectural or social criteria. Reluctantly he will vote no.

Mike Deborski, 601 Pine Street, said he struggles with funding the stripping away of the heritage of Louisville and felt maintaining the core of the sign is not enough. He had offered to buy the sign and store it and felt the City shouldn't subsidize the stripping of our heritage. He thought the proposal was taking away the essence of what the sign is and the heritage it represents.

Greg Maring noted many have offered to buy this sign. He realizes they are limited to having to save the shape, size, and color. If they as owners could put in a new sign with the same character they are happy to have that conversation.

Councilmember Keany asked if there was a way to allow a new sign that mimics the old sign. Director Zuccaro said there are two options in the code; landmarking and iconic signs. Current regulations contemplate reuse of existing signs. He said a possible option would be to apply for a variance which has not been evaluated.

Councilmember Keany asked the applicants if it would be possible to continue the item to allow time to find alternatives.

Councilmember Stolzmann stated Councilmember Leh convinced her it doesn't meet the criteria of an historic sign.

Mr. Oberholzer said as owners they are open to other options and willing to take the time if it is needed. Their understanding was they had no other options and want to maintain some of the structure and originality of the sign.

Mayor Muckle supported looking at other options. Councilmember Leh felt looking at the criteria on the table; Council should not continue but deny this application and let the owner move on to other options.

Director Zuccaro stated the planning department may be able to grant some sign waivers through a PUD process and a Board of Adjustment variance.

Attorney Light stated the options are a motion to approve and if it fails, bring back a resolution not to landmark, or a continuance.

Mayor Muckle moved to disapprove the landmark and direct staff to work with applicant on other options. Attorney Light recommended against tying the two together as the items require different processes under the municipal code. Motion died.

Councilmember Keany moved to continue Resolution No. 65, Series 2017 to the December 5, 2017 meeting. Mayor Muckle seconded. Voice vote 4-3, Councilmember Leh, Councilmember Loo, and Councilmember Stolzmann voting no.

Attorney Light was asked to clarify the direction to staff. He stated it is to get with property owner to see what other options might allow for some city participation that allows for a sign to go in that mimics the current sign, determine and identify a path determining whether it is possible to install a new sign mimicking the current one and then advising Council whether it is.

Councilmember Loo felt this was missing key elements. Attorney Light stated staff needs to identify what elements are involved in pursuing this other path and if money in the HPF can be used to achieve this type of iconic design. He wanted to clarify no decision was made on whether the grant funds are available and if so, how much, or if so under what conditions. That will have to come back to Council if staff can find a path forward.

Mayor Pro Tem Lipton moved to continue Resolution No. 66, Series 2017 to December 5, 2017. Mayor Muckle seconded. Voice vote 6-1 Councilmember Stolzmann voting no.

ORDINANCE NO. 1747, SERIES 2017 – AN ORDINANCE AMENDING TITLE 16 AND TITLE 17 OF THE LOUISVILLE MUNICIPAL CODE REGARDING SUBDIVISION APPLICATIONS, AND MODIFICATIONS AND APPROVAL PROCESSES – 2ND READING – PUBLIC HEARING (advertised Daily Camera 10/08/17)

Attorney Light introduced the ordinance on second reading and public hearing.

Mayor Muckle opened the public hearing.

Planner Ritchie stated the proposed ordinance amends Title 16 and Title 17 regarding subdivision applications, modifications and approval processes. City Council included in the 2017 Work Plan a review of the procedure for allowing zoning variances that are part of subdivision requests. Council discussed this at a study session in May and the Planning Commission held public hearings in August and September.

The revisions include:

Minor Miscellaneous Amendments

- Revise the definitions for “Lot” and “Street” in Title 16 and Title 17 in order to prohibit lots fronting an alley.
- Revise the minimum number of copies for preliminary and final plat submittals.
- Revise the notification distance from 300 feet to 500 feet for minor subdivisions in one section for consistency. A previous code amendment changed this to 500 feet in the remaining sections of the code.
- Replace the term “variance” with “modification” for consistency throughout Title 16.

Modifications – Section 16.24

- Sec. 16.24.010 – *Modifications* sets forth the means of review by Planning Commission and City Council. It also includes language regarding the public good, keeping the intent of Title 16 and Title 17, and meeting the intent of the Comp Plan.
- Sec. 16.24.020 – *Modification procedure* requires that modification requests are reviewed as part of the subdivision application and not as a separate process, and not eligible for review by the BOA.
- Sec. 16.24.030 – *Modification review criteria*
 - If accompanied by a PUD
 - If not accompanied by a PUD

Planner Ritchie noted there was more detail on those modifications in the packet and she could review with Council if they wished. Staff recommends approval.

Public Comments – None.

Mayor Muckle asked if this would not allow new dwelling units. Planner Ritchie noted

the inclusion of a criterion that no modification shall be approved if it results in additional dwelling units beyond what would otherwise be allowed in the underlying zoning. The end result cannot be more density.

Councilmember Loo said later in the evening Council would be looking at affordable housing. She noted adopting this would be essentially making it harder to create more housing. She felt Council should be honest about that. She stated her support as this is what people want to see, but wanted to point out this will make it harder to build.

Mayor Muckle closed the public hearing.

MOTION: Councilmember Stolzmann moved to approve Ordinance No. 1747, Series 2017, Councilmember Maloney seconded.

Mayor Muckle agreed this does capture what residents are asking for.

Mayor Pro Tem Lipton asked for clarification of 16.24 changes to the public good; he would like to better define public benefit or public good. He suggested it be included in 2018 work plan and be applied more broadly in the code.

Councilmember Leh asked if this will make it more difficult to do affordable housing. Director Zuccaro noted more stock is one way to provide affordable housing and this would eliminate one means of getting that. Waivers are not usually a way to get additional density and getting more density such as affordable housing should be done through a zone change or rezoning if that is the goal. Councilmember Leh shared the concern, but felt this was not the time to address this, but should consider how to follow up on this related to affordable housing and how ordinances affect it.

Vote: Motion carried by unanimous roll call vote.

ORDINANCE NO. 1749, SERIES 2017 – AN ORDINANCE AMENDING CHAPTER 9.72 OF THE LOUISVILLE MUNICIPAL CODE CONCERNING SIGNAGE IN LIQUOR LICENSED ESTABLISHMENTS – 2nd READING –PUBLIC HEARING (advertised Daily Camera 10/22/17)

Attorney Light introduced the ordinance; this is second reading and the public hearing.

Mayor Muckle opened public hearing.

Clerk Muth stated the Louisville Local Licensing Authority is forwarding this proposed ordinance repealing Section 9.72.060 of the Louisville Municipal Code (LMC). This section of the code required the posting of a sign in liquor licensed establishments stating no one under the age of 21 could be on the premises unless accompanied by an adult. Although the history of this section of the LMC is not clear, currently there is nothing in state statute or the local code requiring such a prohibition. The proposed

ordinance also amends Section 9.72.050 to state the warning sign regarding minors purchasing alcohol shall meet the requirements under State law because the existing language in the LMC does not quite match what the State Liquor Code requires. Staff and the Local Licensing Authority recommend approval of the ordinance.

Public Comments – None.

Mayor Pro Tem Lipton asked if this would preclude a business owner from having a standard that is higher. City Clerk Muth responded no, this signage requirement had simply been confusing to some licensees.

Councilmember Loo moved to approve Ordinance No. 1749, Series 2017, Councilmember Stolzmann seconded.

Mayor Muckle closed the public hearing.

Vote: Motion carried by unanimous roll call vote.

DISCUSSION/DIRECTION/ACTION – CONSIDERATION OF LETTER OF SUPPORT FOR XCEL ENERGY’S COLORADO ENERGY PLAN

Sustainability Specialist Erika Archer stated Xcel Energy has requested a letter of support from the City of Louisville for Xcel’s Colorado Energy Plan, a proposal recently submitted to the Public Utilities Commission (PUC) through the attached Stipulation. The Stipulation is a proposed approach to Xcel’s 2016 Colorado Electric Resource Plan that includes commitments to aim for a renewable energy and carbon reduction in its portfolio.

If the Colorado Energy Plan is approved by the PUC and the utility receives favorable bids when it issues a request for proposals in early 2018, it would move Xcel to 55% renewable energy and a 60% reduction in carbon emissions by 2026 with no impact on customer bills.

The draft letter expresses support for aspects of the proposal which are consistent with the Louisville Sustainability Action Plan and includes review and feedback from the Louisville Sustainability Advisory Board (SAB). It specifically expresses support for the aspects of the plan that help Louisville increase the use of clean energy and transition away from fossil fuels to move toward carbon neutrality, as stated in the Louisville Sustainability Action Plan.

Staff supports approval of this letter for the following reasons:

- The Colorado Energy Plan does support the Louisville Sustainability Action Plan by offering cleaner energy mix for the residents and businesses
- It aligns with the City’s Key Performance Indicators affecting greenhouse gas emission reduction per capita

- It helps accomplish the goals in the resolution supporting the Paris Climate Agreement as it also addresses greenhouse gas reduction

Public Comments

Mark Persichetti, 1402 Taft Place, member of the SAB confirmed the board's support for this letter. He endorsed this proposal and the draft letter to the PUC.

Deb Fahey, 1118 West Enclave Circle, voiced support for the letter.

Councilmember Maloney stated he supports this. He asked if there is a downside to this. Archer stated she was unaware of any downside. It states every Louisville customer will have energy sourced from 55% renewables at no extra cost.

Councilmember Stolzmann stated this is highly political. Some say the plan is not aggressive enough, but she supported the letter as written highlighting areas that focus on clean affordable energy. If there is a downside, it is taking a political stance.

Councilmember Loo agreed with Councilmember Stolzmann, and felt many in Boulder won't support. She liked our letter.

Mayor Muckle noted this is our letter about what we care about and is less political. It addresses our residents.

Mayor Muckle noted consensus on supporting the letter.

RESOLUTION NO. 58, SERIES 2017 – A RESOLUTION TO ADOPT THE BOULDER COUNTY REGIONAL HOUSING STRATEGY EXPANDING ACCESS TO DIVERSE HOUSING FOR THE COMMUNITY – continued from 10/17/17

Director Davis stated this item is continued from the October 17 meeting and staff has brought back a revised resolution demonstrating official support for the Regional Housing Strategy, a countywide funding source to support implementation, and the countywide goal of 12% affordable housing stock by 2035. The resolution now integrates changes from the last meeting recommended by Councilmember Loo, items from the comprehensive plan, and earlier statements.

Public Comments - none.

Councilmember Leh stated this reflects what is important to Louisville and helps the county.

Councilmember Maloney stated the changes are much better at representing our intent. He expressed support.

Mayor Muckle moved to approve Resolution No. 58, Series 2017, Councilmember Stolzmann seconded. Voice vote all in favor.

ORDINANCE NO. 1750, SERIES 2017 – AN ORDINANCE ABOLISHING THE GOLF COURSE ADVISORY BOARD – 1ST READING, SET PUBLIC HEARING 11/28/17

City Attorney Light introduced the ordinance by title on first reading. Mayor Muckle moved to approve Ordinance No. 1750, Series 2017 on first reading, send it out for publication and set the public hearing and second reading for November 28, 2017; Councilmember Loo seconded. Voice vote: All in favor.

CITY ATTORNEY'S REPORT

None.

COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF FUTURE AGENDA ITEMS

Councilmember Stolzmann gave a DRCOG report on a presentation concerning first responder fatalities and road side safety in general. DRCOG will pass a resolution on road side safety and are asking individual communities to do the same.

Mayor Muckle stated Metro Mayors and the US 36 MCC may support a suggestion in 2018 for a statewide transportation tax question and what projects it might fund.

Councilmember Loo noted the Parks Board met last week and discussed the cottonwood trees east of the Rec Center. She stated the board is the appeal board for forester decisions to remove the trees. The board continued the matter, wanting more staff input on moving trail, fencing off, and cost. There may need to be input from the Open Space Board on a possible trail realignment.

Councilmember Maloney asked if when this board was created was there conscious thought of it being an arbiter between staff and citizens. He was uneasy a board can overturn a paid professional decision.

Councilmember Keany said the Youth Advisory Board met last week and decided on a focus for the year to promote volunteerism in the community. The Historical Commission has selected the pioneer award for the year and they continue to talk about the museum expansion plan.

RETURN TO EXECUTIVE SESSION – PENDING LITIGATION

(Louisville Charter, Section 5-2(d) – Authorized Topics – Consultation with an attorney representing the City with respect to pending litigation, and C.R.S. 24-6-402(4)(b))

Mayor Muckle announced the agenda item and the City Clerk read the statement required by City Code.

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The City Manager is requesting an executive session for consultation with attorneys representing the City regarding pending litigation, which in this case does not involve a pending lawsuit but situations where lawsuits may result. City Attorney Light joined in that request stating he believes the situations that are the topic of the discussion are of such a nature that legal action may result.

Mayor Muckle moved to go into executive session for the purpose of consultation with attorneys with respect to pending litigation, and that the executive session include the City Manager, City Attorney, and Economic Development Director. Councilmember Keany seconded the motion. Voice vote passed 7-0.

Mayor Muckle moved to go into executive session; Councilmember Loo seconded the motion. Voice vote, all in favor.

Members went into executive session at 8:56 pm.

Members returned from executive session at 10:18 pm.

REPORT FROM EXECUTIVE SESSION

City Attorney Light reported the executive session discussion was for a pending litigation matter. No action is requested this evening.

ADJOURN

Members adjourned the meeting at 10:20 pm.

Robert P. Muckle, Mayor

Meredyth Muth, City Clerk